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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 February 1994, at 7 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Measures to improve the situation and ensure the human rights and dignity of all migrant workers (continued)

Rights of persons belonging to national or ethnic, religious and linguistic minorities (continued)

Implementation of the Declaration on the Elimination of All forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (continued)

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The meeting was called to order at 7.15 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 13) (continued) (E/CN.4/1994/62*)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 18) (continued) (E/CN.4/1994/72, E/CN.4/1994/92, E/CN.4/1994/107, E/CN.4/1994/NGO/20, E/CN.4/Sub.2/1993/34 and Add.1-4, A/48/509 and Add.1)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 20) (continued) (E/CN.4/1994/79, E/CN.4/1994/80, E/CN.4/1994/105, E/CN.4/1993/62, E/CN.4/1994/NGO/10)

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION (agenda item 17) (continued) (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, E/CN.4/1994/70, E/CN.4/1994/71 and Add.1, E/CN.4/Sub.2/1993/35, E/CN.4/1993/58 and Add.1)

1. Mr. NEAGU (Romania), speaking on agenda item 18, said that in his report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4), the Special Rapporteur, Mr. Eide, had emphasized the right of minorities to enjoy their own culture, profess and practise their religion and use their own language freely and publicly. The Special Rapporteur was right to point out that in many situations, far from those values being promoted, the problems of minorities were artificially created by "ethnic entrepreneurs". In that connection, the Sub-Commission should examine more closely some of the situations referred to in the report as "negative and problematic cases", including the situation in Transnistrie, a region of the Republic of Moldova, and all the competent United Nations bodies, including the Sub-Commission and the Commission, should contribute more actively to finding speedy and satisfactory solutions. His delegation fully agreed with Mr. Eide that all human rights derived from the inherent dignity and value of the human being, a concept which was all the more relevant in the case of minorities.

2. One of the weaknesses of the report was the Special Rapporteur's treatment of the problem of the application of the principle of self-determination. Documents such as the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and subsequent documents made it clear that the right to self-determination was applicable to peoples and not to minorities. Therefore, the suggestion that a study should be made of the meaning and purpose of the self-determination of the groups living within sovereign States did not reflect the spirit of the fundamental documents on the subject. He would suggest, rather, that the Sub-Commission and later the Commission should examine the conduct of States with regard to the protection of minorities with a view to the preparation of a draft code on the subject. Mr. Eide's report contained some ideas in that direction but they needed to be elaborated further.

3. Regarding the internal framework for the promotion and protection of minorities, the Special Rapporteur's views and suggestions on ways of ensuring equality and non-discrimination and the proposed arrangements for pluralism in togetherness were most useful and could be taken into account for educational activities at the international and national levels. The Romanian delegation agreed that there was a need for the harmonious integration of persons belonging to minorities in the society where they lived, and for a common language that would enable all citizens to communicate and enjoy equal opportunities.

4. With respect to future measures to be taken by the United Nations, he supported the Special Rapporteur's suggestion that an expanded programme of action should be formulated for the elimination of racial, ethnic and religious discrimination and the protection of the rights of persons belonging to minorities, within a context of respect for the territorial integrity and the promotion of the political and social stability of States.

5. Mr. Eide's report reflected the action taken by the Government of Romania to promote and protect the rights of minorities in the areas of education in the languages of minorities, preservation of culture and religious freedom. A Council For National Minorities had been set up, primarily to encourage permanent dialogue between the minorities and the Government and to propose bills to Parliament for the guarantee and exercise of their rights. Romania had succeeded, notably through a constitutional provision, in obtaining the participation of minorities in political life and public life in general. Despite enormous economic difficulties, the State allocated substantial sums for the cultural activities of minorities. Moreover, in conformity with the relevant international instruments, a modern legislative and institutional system had been established to prevent and combat violations of the human rights of all citizens, including those belonging to national minorities.

6. Mr. ENDREFFY (Hungary), speaking on agenda item 18, said that in some parts of the world, not only were minorities discriminated against, but often their very existence was threatened. It had thus become necessary to go beyond general human rights instruments and deal specifically with the rights of minorities.

7. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted in 1992, was significant in that it stipulated the obligation of States not only to protect the existence and identity of minorities within their respective territories, but also to encourage conditions for the promotion of that identity. Both that Declaration and the concluding documents of the recent World Conference on Human Rights held at Vienna called upon the Commission to examine ways to promote and protect effectively the rights of minorities. In his study on the problems of minorities, the Special Rapporteur, Mr. Eide, had suggested some constructive measures that might be taken. His statement (E/CN.4/Sub.2/1993/34 para. 67) that there had to be democracy, not ethnocracy, was fundamental to the treatment of the subject. Thus, not only should there be legislation ensuring equality and non-discrimination, but such legislation should be applied consistently and impartially by the courts and enforced without bias by the police and security forces. For that, there was

a need for a strong, independent and accessible judiciary and law enforcement agencies which, through education and training, could operate impartially.

8. He agreed with the Special Rapporteur that language and culture constituted the main elements of identity, and that language rights included the right to education in one's own language. Effective participation in public life, the right of access to the public media, and the right of the minority to have its own mass media were all recognized ways of preventing conflicts involving minorities. Regarding pluralism, the decentralization of authority, including some degree of local self-government, should serve to bring the institutions of power and State services closer to the ethnic groups.

9. The conclusions of The Vienna Conference concerning the rights of minorities could encourage the signing of bilateral and multilateral treaties containing reciprocal obligations for States to promote and protect the existence and identity of minorities inside their borders. The Commission could examine the possibility of appointing a Special Rapporteur to examine situations that were incompatible with the provisions of the 1992 Declaration. The Centre for Human Rights should, at the request of Governments, provide expertise on minority issues and human rights as well as on the prevention and resolution of group conflicts. Information on the 1992 Declaration should be included in the training of United Nations personnel, including military and civilian peace-keeping personnel. The Commission should encourage closer cooperation with regional organizations on minority rights and should call upon the thematic and country rapporteurs as well as the treaty bodies to address violations of the rights contained in the Declaration and thus serve as an early-warning mechanism and a tool of preventive diplomacy.

10. His delegation was willing to cooperate with others to promote and protect the rights of persons belonging to minorities. He also paid tribute to the various non-governmental organizations (NGOs) which played an important and constructive role in the protection of minorities.

11. Mr. DOBREV (Bulgaria), speaking on agenda item 20, said that in post-totalitarian Eastern Europe, many were seeking a new faith and that a return to traditional religions and the emergence of new denominations could be observed. Simultaneously, there was residual manifestations of totalitarian intolerance to different beliefs. The majority of the population was atheist, and religious clashes were really inverted forms of ideological and political conflicts. The religious fundamentalism emerging in the region and the massive, flagrant violations of human rights on religious grounds in Bosnia and Herzegovina and elsewhere were mainly the outcome of extreme nationalism and represented a serious threat to peace and stability and the democratic processes in the region as a whole.

12. His delegation fully subscribed to the view expressed in paragraph 94 of the report of the Special Rapporteur on religious intolerance, Mr. Amor (E/CN.4/1994/79), to the effect that the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief could not be dissociated from the overall question of respect for all human rights. Freedom of thought, conscience and religion was provided for in the Constitution of Bulgaria, as was the right to profess

one's denomination freely. The Constitution also provided for the separation of religious institutions from the State, and a Directorate for Denominations had been set up to ensure a liaison between the State and the religious entities. The State's policy was to promote the rights of all citizens in the area of religious freedom.

13. His delegation felt bound to express concern over the situation regarding the freedom of minorities in the territory of the former Yugoslavia. Some of the Bulgarian churches and monasteries in the eastern part of Serbia were dilapidated or in ruins. The services in the few temples that were still functioning were conducted in Serbian only and even the gravestones and obituaries of ethnic Bulgarians were inscribed or written in Serbian only.

14. In conclusion, he reiterated that Bulgaria was firmly committed to the full implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and was prepared to continue to participate actively in international cooperation to that end.

15. Mr. KAKAKHEL (Pakistan), speaking on agenda items 13, 18 and 20, said that, since its creation, Pakistan had participated wholeheartedly in the efforts of the international community to promote and protect human rights. Within the country, attempts were being made to ensure that the principles of tolerance and accommodation ordained by Islam were translated into State policy and government action. The Government was aware of the inadequacies of the human rights situation in Pakistan and had introduced a number of measures to ensure that the human rights of all citizens, especially the political, economic, social and cultural rights of religious minorities, were fully protected, in conformity with the human rights standards prescribed by the international community.

16. It was the sovereign right of pluralistic States to protect their territorial integrity as well as to promote the human rights and freedoms of their religious and ethnic minorities. However, that right should not be misused to justify the oppression of peoples in areas designated by the United Nations as disputed territories, whose final status was to be determined according to the wishes of their people. In that regard, he referred to the tragic plight of the people of Jammu and Kashmir, whose fundamental rights and freedoms were being ruthlessly suppressed under the pretext of the protection of territorial integrity. The Security Council had adopted resolutions providing for a free and impartial plebiscite to be held under its auspices, so as to enable the people of Jammu and Kashmir to exercise their right to self-determination, but none of them had so far been implemented.

17. After waiting for four decades, the people of Jammu and Kashmir had launched a struggle for self-determination and for the protection of their human rights. Unfortunately, a force of nearly half a million military and paramilitary personnel had been deployed by the occupying Power to crush the Kashmiri struggle, and the human rights of the people of Jammu and Kashmir had been systematically violated on a horrendous scale. Those violations had been documented in a number of reports by leading international human rights organizations.

18. Mrs. SABHARWAL (India), speaking on a point of order, said it was not apparent under which agenda item the remarks of the representative of Pakistan were being made. She had thought that he was supposed to be speaking on agenda item 20, but his remarks seemed to be more relevant to the item on self-determination. She asked for clarification and suggested that speakers address themselves to the appropriate agenda items.

19. The CHAIRMAN invited the representative of Pakistan to continue his statement, bearing in mind the points just raised.

20. Mr. KAKAKHEL (Pakistan), continuing his statement, said it was reprehensible that attempts were being made to justify the use of brute force against the people of Jammu and Kashmir and the gross violations of their human rights, by portraying their struggle as that of a separatist terrorist movement. His delegation also deplored the unjustified allegations against the human rights organizations that had investigated and reported the violations of human rights in Jammu and Kashmir. Those bodies had played an invaluable role in the promotion and protection of human rights throughout the world and their efforts deserved the Commission's respect and support. In conclusion, he emphasized the need for the international community to take action to ensure that the violations of the human rights of the people of Jammu and Kashmir were brought to an immediate end.

21. Mrs. SABHARWAL (India), speaking on a point of order, said that, in concluding his statement, the representative of Pakistan had unfortunately continued to make observations that were not relevant to agenda item 20.

22. The CHAIRMAN noted that, according to his list of speakers, the representative of Pakistan had been addressing the Commission on agenda items 13, 18 and 20.

23. Ms. KALNIETE (Observer for Latvia), speaking on agenda item 18, said that, after 50 years of communist ideology, Latvia was in the process of developing democracy, a process that included the issue of national minority rights. Latvia's law on the unrestricted development and right to cultural autonomy of Latvia's nationalities and ethnic groups, adopted by the Parliament in 1991, guaranteed equal enjoyment of human rights to all residents of Latvia, regardless of their nationality. In particular, the law guaranteed all permanent residents of Latvia equal rights in respect of employment and remuneration; it prohibited any discrimination on grounds of nationality in the free choice of occupation and trade; and it prohibited any activity involving national discrimination or the promotion of national superiority or racial hatred. The State was bound to promote the activity of minority societies, associations and organizations and provide them with material assistance.

24. The law on education adopted in 1991 guaranteed all residents the right to an education, without any distinction whatever. It also guaranteed the right to acquire an education in Latvian, the official State language, and permitted residents of other nationalities living within Latvia to be educated in their native languages. The rights of national minorities were further provided for in the law on language and the law on religious organizations.

25. The Republic of Latvia had rejected anti-Semitism and discrimination on grounds of nationality as being incompatible with the country's traditions, and Parliament had adopted a declaration condemning genocide and anti-Semitism in Latvia. The laws adopted for the protection of minority rights confirmed that the State of Latvia recognized its responsibility to seek accommodation among the different ethnic minorities and the dominant nationality in Latvia.

26. The Government therefore regarded as baseless the accusations of ethnic cleansing made by the Russian Government regarding minorities in Latvia. Recent statements repeatedly made by Russian Government officials that Russia would protect the ethnic Russians residing in the so-called "near abroad" were of grave concern to Latvia because it considered that they threatened the maintenance of constructive dialogue and good relations between neighbouring States. It also regarded as unjustified the demands that Latvia should grant citizenship to all persons who had entered Latvia during the 50 years of occupation. A law on citizenship and naturalization had been drafted and submitted to the Council of Europe for evaluation and, until that law came into force, permanent residents were free to choose the citizenship of Latvia or that of some other country.

27. Latvia would rather devote its intellectual resources to the development of international human rights law than have to defend its honour time and time again against groundless allegations of discrimination against minorities. It was particularly interested in the scope of the mechanisms to implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. No clear definition of "minority" had been included in the Declaration and, for Latvia as for some other countries, that was not merely a theoretical problem. The rights of foreigners constituted another area where international standards needed to be clarified, and a convention on the rights of foreigners could be one way of legally determining those rights.

28. Latvia was concerned about the politicization of the human rights machinery. False allegations made by States concerning human rights violations in other, perhaps smaller States were an affront not only to the principles of decency and civility in international relations but also to the principles of international law.

29. Ms. JUHASOO (Observer for Estonia), speaking on agenda items 13 and 18, said that, having only recently regained its independence, Estonia was in the process of creating legislation of its own that was compatible with international standards. During its first year of work, the Parliament had adopted over 200 pieces of legislation and had given priority to those laws defining the status of resident aliens and national minorities and granting rights to them.

30. The Estonian Law on Cultural Autonomy offered a solution to the problems of the national minorities in the country by enabling minorities to elect "cultural self-governments", which could launch publications in their own languages, and establish churches and schools. Those bodies were on a par with local governments and received State financial support.

31. Today, non-Estonians accounted for about 34 per cent of the total population of 1.5 million. The Russian community was the largest single group, making up about 28 per cent of the total population. Well over 16,000 Russians had applied for and received Estonian citizenship. About 42,000 of them had registered themselves as Russian citizens while continuing to live in Estonia. The remainder of the citizens of the former Soviet Union, including persons belonging to other nations, were still to make a decision about their citizenship. Their status as residents of Estonia was defined by the law on aliens. Under the Constitution, Estonian citizens and persons resident in Estonia had the same rights, liberties and duties, and the law on local elections permitted aliens to vote in local elections if they could demonstrate that they had been resident in the country for five years.

32. Estonia had a unique record of cooperating with international organizations in order to promote respect and tolerance between ethnic groups. The country had received missions from the United Nations, the Council of Europe and the Conference on Security and Cooperation in Europe (CSCE), and its legislative work had taken into account expert advice from the Council of Europe and the CSCE High Commissioner on National Minorities.

33. President Yeltsin had repeatedly stated that the fate of Russians living abroad was an issue of the highest priority in Russia's foreign policy. In Estonia, the issue of Russians living there was also given priority attention. However, her Government felt that patience and constructive cooperation were more helpful than sharp accusations and severe criticism. The legislation governing the rights of minorities was almost complete but it would take some time to implement the laws fully and restore order to a society that had been thrown into chaos by a totalitarian communist regime.

34. U TIN KYAW HLAING (Observer for Myanmar), speaking on agenda item 20, said that in Myanmar, there was absolutely no discrimination against any person or group, whether minority or majority, on the grounds of race, creed, religion or gender. Nearly 90 per cent of the population was Buddhist. Buddhism, like all other major religions, taught compassion and tolerance, and successive Governments, particularly the present one, took great care to ensure that the measures adopted in the area of religious freedom were not misunderstood.

35. The authorities of Myanmar, particularly the armed forces, had been accused of discriminating against persons professing different faiths. However, military personnel were pledged to conduct themselves in strict conformity with the prescribed code of ethics and military regulations. A Ministry of Religious Affairs, headed by a Cabinet Minister, had been set up to ensure and maintain the long-established tradition of non-discrimination against people of different religious faiths. In matters of religion, the Ministry invariably consulted the religious bodies concerned - five Islamic organizations in the case of matters relating to Islam and four Christian religious bodies in that of matters relating to Christianity.

36. The Government donated funds every year for the promotion and propagation of the Islamic faith. Successive Myanmar Governments had extended facilities to Muslim devotees to make the yearly pilgrimage to Makkah. Similarly, Christian religious leaders were granted facilities to travel both within the

country and abroad to attend religious meetings. Leaders of the Islamic, Hindu and Christian faiths were given free travel within Myanmar on various modes of transportation, in order to carry out their religious duties efficiently.

37. He refuted the allegations of so-called forced relocation of religious objects and buildings. In Myanmar, as elsewhere, there were building regulations, which forbade the construction of pagodas, monasteries, etc., in residential areas, and special or appropriate places were allocated for erecting religious buildings. In accordance, therefore, with those regulations, some religious buildings located on unsuitable sites had been moved to places allocated specially for religious purposes, as had some religious images. The relocation of religious objects had taken place with the consent of and after consultation with the religious leaders of the various faiths and, where objections had been raised by the religious leaders concerned, no relocation had been made.

38. In conclusion, he reiterated that there was no discrimination whatever on the grounds of creed or religion in Myanmar and that, in his country, the followers of Islam, Christianity, Hinduism and Buddhism lived side by side in peace and harmony.

39. Mr. DENHAM (Observer for Ireland), speaking on agenda item 20, commended Mr. Amor, Special Rapporteur for his report on religious intolerance (E/CN.4/1994/79). That document, and other reports by country rapporteurs, provided ample evidence of the persecution and suffering endured by individuals on account of their religious views or beliefs. It was a matter of grave concern that the reports before the Commission continued to document so many cases of religious intolerance in so many different countries. In the former Yugoslavia, individuals were being systematically persecuted because of their beliefs and their religious sites were being destroyed. In China, believers could be prevented from manifesting their beliefs unless they belonged to an officially approved Church.

40. All States were bound to ensure that freedom of religion or belief was guaranteed to all persons living within their borders. Constitutional provisions or legislation proclaiming the right to freedom of thought, conscience, religion or belief were not sufficient. The guarantees had to be implemented and effective remedies provided for those whose rights were violated. States were also obliged to promote the spirit of religious tolerance among their citizens and take steps to prevent acts of discrimination. The views of the Special Rapporteur on the former Yugoslavia were especially relevant in that regard. Because a climate of hostility could be engendered through misinformation and indoctrination, especially by the State-controlled media, persons in charge of the media bore a special responsibility.

41. In recent years, there had been a growing tendency among some persons to impose their religious beliefs on others. Often religion was the pretext for acts of violence directed against those who held or were thought to hold other religious beliefs. In many cases, the victims were ethnically different, thus adding elements of racial hatred and xenophobia to religious intolerance. The Special Rapporteur on religious intolerance had drawn special attention to

that problem. States should address that issue but, in doing so, should ensure that democratic freedoms and fundamental human rights were fully respected.

42. His delegation would shortly circulate a draft resolution on the question of the elimination of all forms of intolerance based on religion or belief and he hoped that, as in previous years, it would be adopted by consensus.

43. Mr. PALMA (Observer for the Philippines), speaking on agenda item 13, said that the exploitation of vulnerable groups, including migrant workers, was still a firmly established practice and that thousands of women who left their countries to seek work abroad often found themselves in situations hardly better than slavery. However, as long as there was underdevelopment anywhere, people would migrate in search of employment, and efforts by sending States to curtail or regulate such migration or by receiving States to prevent or limit it would be futile. The evolution towards a world economic order that allowed the unimpeded interplay of market forces could only encourage that kind of migration and individuals would continue to exploit and be exploited.

44. The mere enactment of laws and ratification of treaties, however, would not be enough to remedy the situation. The least that a forum like the Commission could do was to condemn all forms of exploitation and affronts to human dignity and encourage Governments to ratify, promote and implement conventions for the protection of human beings from all forms of exploitation. At the forty-eighth session of the General Assembly, the Philippines had introduced a resolution on violence against women migrant workers that had been co-sponsored by 23 other countries and adopted.

45. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was a landmark instrument which provided a legal framework for doing precisely what its title suggested. To date, only four countries had acceded to, signed or ratified it, and he appealed to all Governments to do so and, above all, to implement the Convention.

46. Mr. YOUSIF (Observer for Iraq), speaking on agenda items 18 and 20, said that Iraq had always been a land of dialogue and unity between the different cultures and religions but that the West was now seeking to undermine that unity by attacking Iraq on the question of the rights of minorities, especially the Kurds. Iraq had, in fact, done more than was required under the relevant international instruments to guarantee minority rights. In Iraq, there was a set of rules in favour of minorities, accompanied by mechanisms to ensure their implementation.

47. The Kurds, for example, had been granted legislative autonomy in the region of Kurdistan, and the Constitution stipulated that the national Kurdish community was an integral part of the Iraqi population. It further specified that the population of Iraq was composed of two groups: Arabs and Kurds. The Kurdish community was assured democratic representation in the National Assembly. Legislation on the autonomous regions guaranteed the necessary economic, social and cultural rights of the Kurds; freedom of the press both locally and nationally; compulsory education in the autonomous regions; and

the right to teach Kurdish in the universities of the autonomous regions. The Kurdish language could be used in radio and television broadcasts.

48. Other minorities such as the Chaldeans enjoyed similar rights. Under the Constitution, the right to freedom of expression and belief was established. The Ministry of Religion had applied a 1980 regulation on the creation of religious institutions and monasteries which provided for the training of priests and monks. Minorities were entitled to observe their religious holidays and different rites, provided that those rites did not endanger national security.

49. The allegations, made by hostile elements acting under the cover of the United Nations, to the effect that Iraq was violating the rights of minorities were, therefore, unfounded.

50. Mr. ABOUTAHIR (Observer for Morocco), speaking on agenda item 13, said that, in the receiving States, migrant workers were often the victims of discrimination in many areas such as employment, conditions of work and social security. Restrictions were placed on all their fundamental rights, their right to liberty of movement was curtailed by the imposition of strict visa requirements, and they were subjected to refoulement and unjustified confiscation of their entry and residence permits. Regulations had recently been introduced in the countries of employment which made family reunification increasingly difficult, and the right of migrant workers to respect for their cultural identity was widely disregarded. Although some progress had been made, they were still finding it difficult to have their children taught in their mother tongue within the education system of the receiving countries. They were also encountering difficulty in practising their religion and were the target of politically motivated campaigns that blamed them for all the ills that beset the receiving countries and served to aggravate feelings of hatred and xenophobia.

51. The adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had been a major step forward in the area of human rights protection. Morocco had ratified the Convention and hoped that other States Members of the United Nations would do the same.

52. Ms. BURKE (Women's International League for Peace and Freedom), speaking on agenda item 13, said that anti-immigration sentiment had recently increased in many industrialized countries and that, as border controls became stricter, the desperation of people attempting to migrate had grown. Given the severe difficulties faced by both legal and illegal migrant workers and their deteriorating situation, the ratification and implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families had become more urgent.

53. The Convention was important in that it recognized the rights of all workers, both documented and undocumented as well as of their families. Still, it was important to stress that even legal workers faced racial and economic discrimination. Migrant workers were used as scapegoats and often blamed for the economic hardship in the country of employment and accused of taking away jobs from citizens. It should be stressed, however, that while

migrant workers faced serious problems in their daily lives, both the sending and receiving States benefited from migrant labour. The Convention also protected the fundamental human rights of undocumented or illegal migrant workers. It reiterated that they had the rights to life, liberty and security of person, the right to freedom from torture, the right not to be held in slavery and the freedom to leave any State.

54. Her organization wished to highlight the fact that female migrant workers often faced the triple oppression of racism, economic discrimination and gender discrimination. Article 44 of the Convention recognized the family as the fundamental group unit of society and required that appropriate measures should be taken to ensure the protection of its unity. While family unity was important, a woman had the right to be recognized as an individual, and if she wanted to separate from her husband, she should be able to maintain her rights to work and to remain in the country even after the husband had left.

55. Female undocumented workers were particularly vulnerable to sexual and psychological abuse. Female domestic workers, for example, were isolated from other workers and it was difficult for them, indeed impossible if they were illegal immigrants, to find assistance in case of abuse. Female undocumented workers also fell prey to agencies which enticed them with false promises of employment and then forced them into prostitution. The transnationalization of the sex industry had led to women being exported to Japan and elsewhere as "entertainers", "mail-order brides" and "domestic helpers". Thousands of women were reportedly brought every year from Myanmar to work in brothels in Thailand. It was vital to put an end to such activities, as required under article 68 of the Convention.

56. She recommended that the World Public Information Campaign for Human Rights should provide information for migrant workers, in their own language wherever possible, and give particular attention to female migrant workers. Activities within the United Nations system should be coordinated and inter-agency communication improved in order to integrate the concerns of migrant workers into the work of various United Nations bodies, including the Commission on the Status of Women and the World Health Organization. Forthcoming international events including the World Summit for Social Development in Copenhagen and the Fourth World Conference on Women in Beijing should also address issues related to migrant workers.

Statements in exercise of the right of reply

57. Mr. ANGOL (Sudan) said that, contrary to the allegations made by the International Association against Torture and the International Fellowship of Reconciliation, there were many cultural and religious groups living in harmony in the Sudan and that there was no discrimination with regard to the sharing of wealth and power. The Government had, however, opted for a federal system, in order to enable the people of the different states to choose the laws by which they wished to be governed and, in fact, the shariah was not applied in the southern states.

58. The present conflict in parts of the southern states had no religious basis but derived from the policy of closed territories that had been implemented by the colonial administration. However, it served the purpose

of certain international circles to encourage the conflict, and to spread disaffection against the Government with a view to bringing about the secession of the southern states. Allegations of the kind that had been made would continue as long as influential international circles pursued their aim of dividing the Sudan.

59. Mr. HASHIM (Bangladesh) said that the allegations made by the Centre Europe - Tiers Monde, under agenda item 13, that Mr. Anwar Hossain, a Bangladesh national, had been ill-treated were totally unfounded. Mr. Hossain, a former employee of the Permanent Mission of Bangladesh in Geneva, had been induced by persons in Geneva to seek political asylum in Switzerland and to that end to make false statements about the Permanent Representative.

60. Mr. Hossain had subsequently returned voluntarily to the Mission, apologized and signed a written statement before the Consul of Bangladesh. On his return to Bangladesh, he had made a further statement before a notary public admitting that he had made false allegations against the Permanent Representative, despite the fact that he had been well treated. Mr. Hossain was safe and gainfully employed and, as a free citizen of Bangladesh, he enjoyed all the fundamental constitutional rights.

61. The statement made by the International Fellowship of Reconciliation, under agenda items 13 and 20, regarding religious pressure and repression in Bangladesh was equally unfounded. All citizens of Bangladesh, regardless of their religious affiliation, lived in harmony and there was no discrimination in Bangladesh on the basis of religion.

62. Mr. SIMONIS (Observer for Albania) said that the figures given concerning the Serbs in Albania by the World Federalist Movement were grossly exaggerated. The Serbs had admittedly suffered religious persecution under the former regime, but so had all other Albanians, whatever their religious belief.

63. The figures given for primary and middle schools and pupils in Kosovo were also inaccurate. For the previous four years Albanian teachers in Kosovo had not been paid. They taught in semi-clandestine private schools since Albanian education was considered a crime and there were many cases in which Albanian teachers had been harassed and jailed. Pupils had no access to State-owned facilities such as libraries, and those at the middle-school and high-school levels were denied any possibility of continuing their education. No Albanian textbook had been published in four years. Previously, there had been 83 Albanian newspapers and journals, whereas at present there was only one newspaper and all Albanian radio and television programmes had been banned. Albanian intellectuals were persecuted and lived in constant fear of the police.

64. Mr. THÜR (Observer for Croatia) said that he refuted the cheap propaganda spread by the Serbian World Union in the Commission when it had spoken under agenda item 18 in the name of the World Federalist Movement. The body responsible for the participation of NGOs should verify whether the statements

of the Serbian World Union helped to promote human rights or whether that NGO existed only to serve a policy condemned by the international community and the Commission.

65. The representative of the Serbian World Union had omitted to mention the aggression by Serbia and Montenegro against the Republic of Croatia, that had left some 7,000 dead, 7,600 missing and 20,000 wounded. The material damage caused was estimated at US$ 26 billion, and almost one third of the territory of the Republic of Croatia was under occupation. The representative of the Serbian World Union had referred to the reports and findings of Mr. Mazowiecki, Special Rapporteur of the Commission, but the authorities of Serbia and Montenegro had not even allowed Mr. Mazowiecki to set up an office in their country. The international community, as represented by the United Nations, had however ignored the false propaganda and had rightly imposed sanctions against Serbia and Montenegro. The Serbian people should react against policies of the type described to the Commission, that had brought suffering to themselves and tragedy, genocide and destruction to their neighbours. He urged the Chairman to instruct the Secretariat to consider carefully whether the extremist nationalist activities of the World Federalist Movement were compatible with the rules of the Economic and Social Council.

66. Mr. ZHANG Yishan (China) said that unfounded allegations had been made against his country by two NGOs. They had called for the independence of so-called "occupied Tibet". They had also claimed that there was a wave of immigration into Tibet, that Tibetans had become a minority in their own country and that China prevented Tibetans from practising their religion.

67. The fact was that Tibet had been an integral part of Chinese territory since the thirteenth century and no country in the world had ever recognized Tibetan independence. Since the agreement signed in 1950 by the central Government of China and the local Government of Tibet at that time was purely an internal arrangement and therefore a matter falling within the internal jurisdiction of China, one could hardly speak of Chinese occupation. With respect to the population of Tibet, the national census of 1990 showed that in the autonomous region of Tibet, Tibetans represented the overwhelming majority - 95.45 per cent - of the population. Taking the figures from the 1950 census, the population had more than doubled in 40 years.

68. The organizations and individuals who spread such lies in the Commission were not interested in the defence of human rights but only in pursuing certain political goals.

69. Mr. NGUYEN VAN SON (Observer for Viet Nam) said that two Vietnamese living abroad who had spoken under agenda items 18 and 20 in the name of NGOs had made unfounded allegations about the human rights situation in Viet Nam. However, the positive results achieved by Viet Nam in recent years, through its policy of renewal, had significantly enhanced the enjoyment of human rights by the population. Hundreds of foreign diplomats, thousands of businessmen and foreign tourists who had visited the country and hundreds of NGOs working there were aware of the situation. The report of Mr. Amor, Special Rapporteur on religious intolerance (E/CN.4/1994/79, para. 83), more accurately reflected the real situation in Viet Nam.

70. Mrs. SABHARWAL (India) said that she wished to refute the baseless charges made by Pakistan under agenda items 13, 18 and 20. In Jammu and Kashmir, as in the rest of India, people of many religions and ethnic groups had lived in harmony until Pakistan had introduced separatism on religious grounds and by pursuing a policy of sponsoring terrorism. Discrimination against and oppression of minorities were built into the Constitution and the legal system of Pakistan and there were notorious and well-documented cases of them.

71. Mr. KAKAKHEL (Pakistan) said that the only reason why his delegation had raised the question of Jammu and Kashmir was that the Indian representative had tried to justify the repression of the people of Kashmir by portraying it as the defence of pluralism, secularism and the territorial integrity of the country. Contrary to India's claim, Pakistan had no territorial designs on India but only wanted the people of Jammu and Kashmir to be given their right to self-determination which had been pledged to them by India and the international community. He had referred only to the human rights dimension of the problem of Jammu and Kashmir. In that regard, he quoted from a report by the International Federation of Human Rights describing a series of human rights violations committed by the security forces there. In conclusion, he invited the representative of India to allow an impartial international fact-finding mission to investigate the situation in Jammu and Kashmir so as to determine whether India's claim to those territories was well-founded.

72. Mrs. SABHARWAL (India) said that the remarks made by the representative of Pakistan, purporting to relate to items 13, 18 and 20, were extraneous and malicious. It was well known that Pakistan was a State that sponsored terrorism and it only remained for the world community to declare the fact. There was no need for the mission of inquiry advocated by Pakistan.

73. Mr. KAKAKHEL (Pakistan) said that the delegation of India was evading the fundamental issue, which was the systematic denial of the right of the people of Kashmir to self-determination and the gross and massive violations of the human rights of the people of Kashmir. No nation should be allowed to terrorize an entire people on the pretext of protecting its territorial integrity or of strengthening its secular order. He repeated that India should allow a free and impartial fact-finding mission to investigate the human rights situation there and report to the international community.

The meeting rose at 10 p.m.